

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

TONIKA HAYNES,

Plaintiff,

v.

ORDER
02-CV-250A

QUALITY MARKETS (THE PENN
TRAFFIC COMPANY), UNITED FOOD
AND COMMERCIAL WORKERS
INTERNATIONAL UNION,

Defendants.

The above-referenced case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1)(B), on October 9, 2002. On December 23, 2005, Magistrate Judge Scott filed a Report and Recommendation, recommending that the motion of defendant Quality Markets (The Penn Traffic Company)¹ for judgment on the pleadings, pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, be granted.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, the motion of defendant Quality Markets (The Penn Traffic Company) for judgment on the pleadings

¹ The Penn Traffic Company owns and operates a chain of grocery stores that do business under the name "Quality Markets," which is the entity named as a defendant in this case. According to defense counsel, Quality Markets is not a separate legal entity.

is granted.

IT IS SO ORDERED.

/s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: March 30, 2006